

ATTACHMENT I

Statutory Citations Relating to Emergency and Amendment to 19 TAC Chapter 101, Assessment, Subchapter CC, Commissioner's Rules Concerning Implementation of the Academic Content Areas Testing Program, Division 2, Participation and Assessment Requirements for Graduation, §101.3022, Assessment Requirements for Graduation

Texas Education Code (TEC), §28.0258, High School Diploma Awarded on Basis of Individual Graduation Committee Review, as added by Senate Bill (SB) 149, Section 3, 84th Texas Legislature, Regular Session, 2015 (excerpts):

- (a) This section applies only to an 11th or 12th grade student who has failed to comply with the end-of-course assessment instrument performance requirements under Section 39.025 for not more than two courses.
- (j) Notwithstanding any action taken by an individual graduation committee under this section, a school district shall administer an end-of-course assessment instrument to any student who fails to perform satisfactorily on an end-of-course assessment instrument as provided by Section 39.025(b). For purposes of Section 39.053(c)(1), an assessment instrument administered as provided by this subsection is considered an assessment instrument required for graduation retaken by a student.
- (k) The commissioner shall adopt rules as necessary to implement this section not later than the 2015-2016 school year.
- (l) This section expires September 1, 2017.

TEC, §39.025, Secondary-Level Performance Required, as amended by SB 149, Section 4, 84th Texas Legislature, Regular Session, 2015 (excerpts):

- (a) The commissioner shall adopt rules requiring a student in the foundation high school program under Section 28.025 to be administered each end-of-course assessment instrument listed in Section 39.023(c). A student is required to achieve a scale score that indicates satisfactory performance, as determined by the commissioner under Section 39.0241(a), on each end-of-course assessment instrument listed under Section 39.023(c). For each scale score required under this subsection that is not based on a 100-point scale scoring system, the commissioner shall provide for conversion, in accordance with commissioner rule, of the scale score to an equivalent score based on a 100-point scale scoring system. A student may not receive a high school diploma until the student has performed satisfactorily on end-of-course assessment instruments in the manner provided under this subsection. This subsection does not require a student to demonstrate readiness to enroll in an institution of higher education.
- (a-2) Notwithstanding Subsection (a), a student who has failed to perform satisfactorily on end-of-course assessment instruments in the manner provided under this section may receive a high school diploma if the student has qualified for graduation under Section 28.0258. This subsection expires September 1, 2017.
- (a-3) A student who, after retaking an end-of-course assessment instrument for Algebra I or English II, has failed to perform satisfactorily as required by Subsection (a), but who receives a score of proficient on the Texas Success Initiative (TSI) diagnostic assessment for the corresponding subject for which the student failed to perform satisfactorily on the end-of-course assessment instrument satisfies the requirement concerning the Algebra I or English II end-of-course assessment, as applicable. This subsection expires September 1, 2017.

SB 149, Section 5, 84th Texas Legislature, Regular Session, 2015:

This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.